

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of :
James A. BOLTON, Jr., *et al.* :
Serial No. 10/657,612 : Examiner: Frederick John PARKER
Filed: September 8, 2003 : Group Art Unit: 1762
For: WOOD GRAINING PROCESS :

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Supplemental Response to Final Office Action

Sir:

Kindly enter this Supplemental Response to the Final Office Action dated October 26, 2005. This Response is presented in the following sections: (1) Introductory Comments (2) Amended Claims and (3) Remarks.

Each of the above-identified sections is presented below on successive, sequentially-numbered sheets. Each section begins and ends on a sheet reserved to it.

(1) INTRODUCTORY COMMENTS

Reconsideration and allowance of claims 1-3, all of the claims remaining under consideration in this application, are respectfully requested in view of the following remarks.

This paper is submitted subsequent to a telephone interview (to be summarized by the examiner, with comments by the undersigned to follow if need be) and is responsive to new points made by the examiner.

The amendments are properly presented at this time because they are responsive to the examiner's points. Accordingly, entry at this time is believed in order.

(2) Amended Claims

1. (Currently amended) A process for imparting a wood grain and coloration to a textured substrate having a patterned texture surface with recesses therein, ~~comprising~~ consisting of the steps:

applying a base coat comprising an opaque, pigmented, water-based emulsion coating composition to the substrate;

drying the base coat;

applying a pigmented, water-based urethane/acrylic graining coat in an amount sufficient to provide a darkening graining coat having a complimentary color which together with that of the base coat provides the color of an intended type of wood,

spreading the graining coat to color at least a majority of texture recesses in the substrate, while retaining a coating of that graining coat on the textured surface, which together with the base coat color, provides a natural look in terms of grain and coloration of a selected wood type; and

drying the graining coat to provide a finished product having a wood grain and coloration.

2. (Previously amended) A process according to claim 1, wherein the water-based graining coat is applied by spraying at a rate of from about 1 to 3 ounces per 32 square feet of surface.

3. (Previously amended) A process according to claim 1, wherein the graining coat comprises from 4 to 25% by weight pigment selected from the group consisting of raw umber, burnt umber, raw sienna, titanium dioxide, yellow oxides, black, red oxides, rutile titanium, various blends of these with other colored pigments and dyes, and a self-crosslinked urethane/acrylic hybrid.

4. (Canceled)

5. (Canceled)

6. (Canceled)

(3) Remarks

Reconsideration and allowance of claims 1-3, all of the claims remaining in this application, are respectfully requested in view of the above amendments and following remarks.

Applicants' attorney wishes to thank the examiner for the courtesy of a telephone interview. This paper adopts a suggestion offered by the examiner.

The claims are now limited to two coating steps. During the interview, the undersigned indicated that the process of the invention was not obvious in part because no prior art taught or suggested achieving a complete wood grain finish with wood grain and coloration *in only two coating steps*. This is an unobviously good result. The prior art, especially, the most recently cited Plowman, *et al.*, reference calls for a top coat over the accent coat which is described in the following terms:

Since the highest contact pressure occurs at the upper parts of the ridges R virtually all of the accent or pigmenting agent will be removed or picked up therefrom. Along the valley side walls, varying amounts of material are picked up by roll 38, and since the contact pressures vary from the tops of the ridges down into the valleys, there will be corresponding graduations in the amounts of pigmenting material left on the panel surface as illustrated in FIG. 7. (col. 6, lines 49-58; emphasis added)

First, applicants also point out that the drawing of the patent in Fig. 7 is not clear in showing the thickness of the coating. The thickness cannot be determined because the drawing does not indicate what the coating is. Is it the white layer defined by top and bottom black lines or only the top black line? If the latter, it is again not clear what the thickness at any point is. The artist needed to show at least some black line to define the upper edge of the white zone. The drawing, not being precise, must be read in connection with the description as quoted above "***all of the accent or pigmenting agent will be removed or picked up***" from the ridges R. In any event, the amount left on the ridges is not considered effective for coloration for applicants' purposes or as a finish coat – this

requires the addition of a top coat. The process of the invention, on the other hand, is complete after the two coats.

Following the application of the accent coat, the reference calls for:

The panel is then conveyed to a topcoat applicator ... ***to provide the panel with a transparent protective coating*** and accordingly a clear plastics finish compatible with the previously applied accent or pigment material.... The average film thickness will usually be in the order of 0.3 mils. ...(col. 7, lines 4-22; emphasis added)

The use of such a top coat is not required by the present invention. The second, graining coat provides not only coloration but a finish coat.

The invention achieves color reproducibility with consistency, despite different substrate materials, and it does so with two coating steps.

The process utilizes only two complementarily pigmented coatings. Both are water-based and easy to use, but are together highly durable. The claims are now so limited.

Accordingly, in response to the examiner's suggestion, which is appreciated, the claims are now commensurate in scope with the improvement applicants are arguing. Accordingly, allowance of all claims is believed in order and such action is earnestly solicited.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Thaddius J. Carvis", is written over a horizontal line.

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